



Deep Cut, LLC SWSP Request

Paul Bruss <pbruss@bbawater.com>

Thu, Aug 23, 2018 at 2:46 PM

To: Caleb Foy - DNR <caleb.foy@state.co.us>

Cc: Bill Tyner - DNR <bill.tyner@state.co.us>, Melissa van der Poel <melissa.vanderpoel@state.co.us>, Amy Eschberger - DNR <amy.eschberger@state.co.us>, Environment-Inc <Environment-inc@outdrs.net>, Chris Tomky <tomkyfarms@yahoo.com>, Jeff Clark <jclark@bbawater.com>

Caleb,

Please find attached a letter from Chris Tomky (Deep Cut, LLC) dedicating water rights for long-term replacement of the evaporative depletions from exposed ground water at the 22 West Pit.

If you have any questions, please don't hesitate to let me know.

Thanks,

Paul Bruss, P.E.
Water Resource Engineer
pbruss@bbawater.com

Bishop-Brogden Associates, Inc.
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From: Caleb Foy - DNR <caleb.foy@state.co.us>

Sent: Friday, August 17, 2018 1:53 PM

To: Jon George <jgeorge@bbawater.com>; Paul Bruss <pbruss@bbawater.com>

Cc: Bill Tyner - DNR <bill.tyner@state.co.us>; Melissa van der Poel <melissa.vanderpoel@state.co.us>; Amy Eschberger - DNR <amy.eschberger@state.co.us>

Subject: Deep Cut, LLC SWSP Request

Good Afternoon,

I'm writing in regard to the above-referenced SWSP request dated May 2, 2018. The request concerns the West Property of the Rocky Ford East Pit, which was previously covered under the Rocky Ford East Pit SWSP ID 0115. Per the most recently approved SWSP dated April 12, 2018, and attached, "The proposed buyer of the West Property will be required to demonstrate compliance with the April 30, 2010 letter from DRMS at the time request is made for an SWSP with this office. Please note that any future request for an SWSP may not be approved without this information."

Therefore, in order to proceed with evaluation of the May 2, 2018 SWSP request submitted on behalf of Deep Cut, LLC, please demonstrate compliance with the April 30, 2010 letter from DRMS and with Section 16 of the General Guidelines for Substitute Water Supply Plans for Sand and Gravel Pits. For your reference, a copies of the April 30, 2010 letter from DRMS and the General Guidelines for Substitute Water Supply Plans for Sand and Gravel Pits are attached.

Should you have any further questions concerning this matter, please feel free to contact me directly.

Thanks,

Caleb Foy, P.E.

Water Resource Engineer



P 303.866.3581 x8272

1313 Sherman St., Suite 818, Denver, CO 80203

Caleb.Foy@state.co.us | www.water.state.co.us



2 attachments



BISHOP-BROGDEN ASSOCIATES, INC.



Deep Cut Water Dedication Letter - Signed 8-23-18.pdf
627K

August 23, 2018

Caleb Foy, P.E.
Division of Water Resources
1313 Sherman St., Suite 821
Denver, CO 80203

RE: Dedication of Water Supplies to Satisfy Long-Term Augmentation Requirement
for Deep Cut, LLC's 22 West Pit

Dear Caleb:

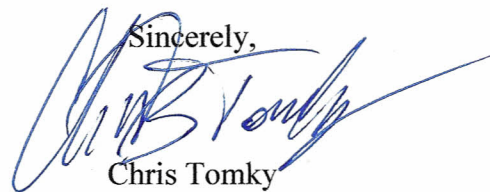
This letter is to provide information intended to satisfy the requirements of the April 30, 2010 letter from the Division of Reclamation Mining and Safety (DRMS) and Section 16 of the General Guidelines for Substitute Water Supply Plans for Sand and Gravel Pits (Guidelines) pertaining to the long-term replacement of depletions at Deep Cut, LLC's (Deep Cut) 22 West Pit.

Section 16 of the Guidelines requires that *"If the proposed final reclamation of the mining operation, as approved in the DRMS permit, does not include backfilling or lining to eliminate all ground water exposed within the mining boundaries, sufficient replacement water must be dedicated to the plan, or financial assurance that would allow purchase of replacement water to cover the expected depletions that would occur at the site."*

For the purposes of satisfying the requirements of Section 16 of the Guidelines, Deep Cut will dedicate the following water supplies for long-term replacement of evaporative depletions resulting from the exposure of ground water at the 22 West Pit:

- 2 Rocky Ford Ditch shares
- 17.45 shares of Twin Lakes Reservoir and Canal Company

These water supplies are the basis for Deep Cut's current replacement supplies for the 22 West Pit in the proposed SWSP pending approval from the State and will be dedicated for long-term replacement use at the pit as part of a future long-term plan for augmentation.

Sincerely,

Chris Tomky
Deep Cut, LLC